

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07 CV 11368

Purchased/Filed: December 18, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

*The New York City District Council of Carpenters Pension Fund, et al*

Plaintiff

against

*TKO Contracting Corp.*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on December 31, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summon And Complaint

on

TKO Contracting Corp.

, the

Defendant in this action, by delivering to and leaving with Amy Lesch,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 1 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 307 Business Corporation Law.

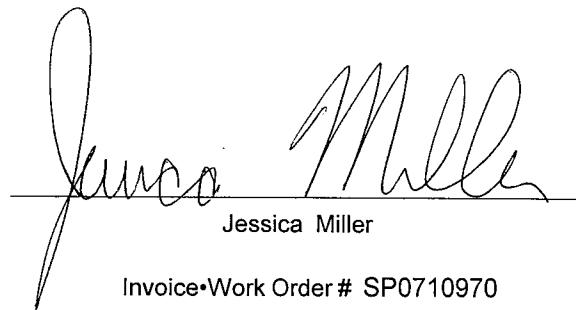
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 23 Approx. Wt: 160 Approx. Ht: 5'9"Color of skin: White Hair color: Blonde Sex: F Other: \_\_\_\_\_

Sworn to before me on this

4th day of January, 2008Deborah A. Bottisti (Bottisti)

DEBORAH A. BOTTISTI  
NOTARY PUBLIC, State of New York  
NO. 01BO6036756, Albany County  
Term Expires February 7, 2010



Jessica Miller  
Invoice Work Order # SP0710970